

SENATE BILL 2560

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 4, Chapter 3; Title 62, Chapter 3 and Title 62, Chapter 4; and to repeal Tennessee Code Annotated, Section 62-3-101; Section 62-3-102; Section 62-3-104 and Section 62-3-131, relative to the Tennessee board of cosmetology and barber examiners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-4-102(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) "Board" means the state board of cosmetology and barber examiners created by §62-4-103;

SECTION 2. Tennessee Code Annotated, Section 62-4-102(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) "Cosmetology shop" means any place of business where any person engages or offers to engage in any practice of cosmetology for a fee or other form of compensation, but does not include a manicure, skin care or natural hair styling shop;

SECTION 3. Tennessee Code Annotated, Section 62-4-102(a), is amended by deleting subdivision (8) in its entirety and by substituting instead the following:

(8) "Manager" means a managing cosmetologist, managing manicurist, managing aesthetician or managing natural hair stylist;

SECTION 4. Tennessee Code Annotated, Section 62-4-102(a), is amended by deleting subdivision (18) in its entirety and by substituting instead the following:

(18) "Shop" means a cosmetology shop, manicure shop, skin care shop or natural hair styling shop;

SECTION 5. Tennessee Code Annotated, Section 62-4-102(a), is amended by adding the following as new, appropriately designated subdivisions:

() “Managing natural hair stylist” means any person licensed to practice natural hair styling who is designated as the owner of the natural hair styling shop to be responsible for supervising the operation of the shop and its employees;

() “Natural hair styling shop” means any place of business where any person performs or offers to perform only natural hair styling services for a fee or other form of compensation;

SECTION 6. Tennessee Code Annotated, Section 62-4-103, is amended by deleting the section in its entirety and by substituting the following:

(a) The practices of cosmetology and barbering shall be under the supervision of a board known as the state board of cosmetology and barber examiners. The board shall consist of eleven (11) members appointed by the governor.

(1) Six (6) members shall be cosmetologists and three (3) members shall be master barbers, each of whom has been licensed in this state for at least five (5) years. There shall be at least two (2) cosmetologists from each grand division of the state and one (1) master barber from each grand division of the state. No cosmetologist or barber member shall, while serving on the board, be an instructor, owner or manager of a school of cosmetology, barber school or college of barbering, an employee in such a school, or in any manner connected with such a school.

(2) One (1) member shall be a person at least twenty-one (21) years of age who is not engaged in the occupation of cosmetology or barbering. No educational degree requirements shall apply for the public member, and such

member shall participate in all activities of the board except composition of examinations, and administration of practical portions of examinations.

(3) One (1) member shall be an owner of a school licensed by the board or an instructor licensed by the board. Such member shall be entitled to participate in all activities of the board, except administration of examinations.

(4) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(5) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 7. Tennessee Code Annotated, Section 62-4-104, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) Of the members initially appointed, one (1) master barber and two (2) cosmetologists shall serve a term of one (1) year, one (1) master barber and two (2) cosmetologists shall serve a term of two (2) years, and one (1) master barber and two (2) cosmetologists shall serve a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be made for the duration of the unexpired term.

(2) The school owner or instructor member of the board shall initially be appointed for a term of three (3) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term,

except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(b) Before entering upon their duties, members of the board shall take and subscribe to the oath of office provided for state officers.

(c) The governor may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(d) Members shall hold over after the expiration of their term until a successor is appointed and qualified.

SECTION 8. Tennessee Code Annotated, Section 62-4-108, is amended by deleting the section in its entirety and by substituting instead the following:

Except as otherwise provided in this chapter, no person shall practice, teach, or attempt to practice or teach cosmetology, manicuring, aesthetics or natural hair styling in this state without a valid license issued by the board pursuant to this chapter.

SECTION 9. Tennessee Code Annotated, Section 62-4-118(b), is amended by adding the following as a new, appropriately designated subdivision:

() Each natural hair styling shop shall have a managing natural hair stylist who is at least eighteen (18) years of age.

SECTION 10. Tennessee Code Annotated, Section 62-4-118(d), is amended by deleting the subsection in its entirety and by substituting instead the following:

(d) Prior to the opening of a new shop, or the relocation of an existing shop, the shop must pass an initial inspection that shall be performed by a board inspector. The fee for an initial inspection shall be set by the board. The inspection shall be made within ten (10) days of receipt by the board of a request for such inspection.

SECTION 11. Tennessee Code Annotated, Section 62-4-120(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) Prior to the opening of a new school, or the relocation of an existing school, the school shall pass an initial inspection which shall be performed by a board inspector. The inspection shall be made within ten (10) days of receipt by the board of a request for such inspection.

SECTION 12. Tennessee Code Annotated, Section 62-4-127(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Board inspectors may, at reasonable hours, inspect shops that are operated by any person licensed under the provisions of this chapter.

SECTION 13. Tennessee Code Annotated, Section 62-4-134, is amended by deleting the section in its entirety and by substituting instead the following:

A licensed natural hair stylist may render natural hair styling services without the supervision of a licensed cosmetologist. Natural hair stylists may render services only in a natural hair styling shop or cosmetology shop licensed by the board.

SECTION 14. Tennessee Code Annotated Section 62-3-109(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) Board inspectors shall inspect barber shops, schools and colleges at least annually. Prior to the opening of a new or existing barber school or college, the shop must pass an initial inspection that shall be performed by a board inspector. Prior to the opening of any new barber shop or the change of location of an existing barber shop, the shop must pass an initial inspection that shall be performed by a board inspector. If the ownership of a shop changes, the new owner may not operate the shop more than thirty (30) days after the date of the change of ownership unless within the thirty day period the new owner submits an application for a barber shop license and pays all fees for the shop license. Owners of barber shops, schools or colleges shall report any change of location or ownership in their shop, school or college to the board office immediately.

SECTION 15. The code commission is directed to change references from “the board of barber examiners” wherever it appears in Tennessee Code Annotated, Title 62, Chapter 3, and substitute instead the language “the board of cosmetology and barber examiners” as sections affected are amended and supplements are published or as Volume 10C is replaced.

SECTION 16. Tennessee Code Annotated, Sections 62-3-101, 62-3-102, 62-3-104, and 62-3-131 are repealed.

SECTION 17. Tennessee Code Annotated, Section 4-29-229(a), is amended by adding the following as a new item thereto:

() State board of cosmetology and barber examiners, created by § 62-4-103;

SECTION 18. Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting subdivisions (2) and (5) in their entirety.

SECTION 19. Tennessee Code Annotated, Section 4-3-1304(a), is amended by deleting subdivisions (4) and (5) in their entirety and by adding the following as a new item thereto:

() Board of cosmetology and barber examiners;

SECTION 20. Any reference to the “board of barber examiners” shall be deemed a reference to the “board of cosmetology and barber examiners”.

SECTION 21. It is the intent of the general assembly that the rules of the board of cosmetology and the rules of the board of barber examiners shall be deemed to be the rules of the board of cosmetology and barber examiners created by this act.

SECTION 22. It is the intent of the general assembly that the board of cosmetology and barber examiners created by this act shall examine its laws and suggest necessary amendments for the effective administration of its licensing programs.

SECTION 23. For the purpose of making appointments, this bill shall take effect immediately upon becoming law, the public welfare requiring it. For all other purposes, this bill

shall take effect on January 1, 2007, the public welfare requiring it. Notwithstanding the provisions of Section 4-29-112 or any other law to the contrary, it is the intent of the general assembly that the board of cosmetology and the board of barber examiners shall terminate and cease all activities on December 31, 2006. It is further the intent of the general assembly that the state board of cosmetology and barber examiners created by this act shall commence operations on January 1, 2007.